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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,646

Applicant(s)

STEUART ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/18/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 4-6,9-11,15,17-20,25-27,31-34 and 36-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,8,12-14,16,21-24,28-30 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/9/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

Claims 4,5,6,9,10,11,15,17-20,25,26,27,31-34,36-52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species/inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 8/18/05. Applicant should first recognized that claim 21 has been examined in this office action which had not been grouped before by some inadvertent oversight. The other claims questioned as not being addressed were to a different invention and hence not the subject of the species requirement. The subject matter of species 1-3,21,22,23,24 was said to be drawn to a state tax determiner, but should have been said to be drawn to "a state policy determiner". The remainder of the species requirement is proper and is FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Polizzi et al.

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Polizzi et al. receiving a request for sales-related data from a user at a broker address (the portal page 100 is read as the broker address; sales related data is set forth^{ca 1110});

accessing broker information from a broker information database based on

the broker address (broadcast messages portal object 1005 is mandatory and is read as broker information); displaying at least a portion of the broker information (broker information is read as object 1005) with at least a portion of subsequent information presented to the user (see Fig 10, object 1005 is displayed along with sales region information 1110); receiving request-related information from the user;

(channels are user created and maintained and hence are read as request related, see col.13, lines 46 et seq.); generating the sales-related data based on the received request-related information (Pacific Rim fishing results are generated by the portal system120).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,7,8,12,13,14,16,21-24,28,29,30,35 rejected under 35 U.S.C. 103(a) as being unpatentable over Polizzi et al. in view of Miller et al.

Polizzi et al. discloses the invention as set forth above but does not disclose

asking the user to select the user's state of residence; and receiving the user's state of residence selection, wherein the step of generating the sales-related data includes the sub-step of determining the sales-related data to generate based on the user's state of residence selection. However, Miller et al does disclose state based rule sets see table 2 wherein depending upon the state of residence a given endorsement clause is generated. It would be obvious to modify the system in Polizzi et al. to include the state based rules of Miller et al. because the feature of Polizzi of setting channels to maintain information on given state insurance standards would motivate the user to use this a way of updating the table 2. The state in which a the broker is licensed to business would obviously need to be a requirement to issue policies in a given area.

Re claims 3, 23: Official notice is taken regarding the old use of e-mails to notify a party as to the status of an order and the practice of sending to one address if the status is one way and to another address if the status is another way. See e.g. voting by phone.

Re claim 7: Official notice is taken regarding the known elements of any personal line insurance policy.

RE claim 8; the user created channels in Polizzi et al. determine the sales related data of sales information 1110.

Re claims 12,28 note Polizzi et al. discloses an authenticating server 220 which generates an error message if authentication fails.

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Re claims 13,29: portal page 100 is set as default and will return as the default if input is not proper.

Re claim 16: broker contract information would be obvious in the combination given that the motivation would be the need to contact the agent to secure the policy.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

 **JOSEPH A. FISCHETTI**
PRIMARY EXAMINER

Joseph A. Fischetti
Primary Examiner
Art Unit 3627